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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,373	03/12/2004	Masanaka Mizuno	016907-1611	5643
22428	7590	06/02/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			COURSON, TANIA C	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/798,373	MIZUNO, MASANAKA	
	Examiner	Art Unit	
	Tania C. Courson	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on July 27, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12MAR04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Namura (US 6,847,794 B2).

Namura discloses in Figure 1, an image forming device and associated method comprising:

With respect to Claim 1:

- a) a forming unit (5) to which electric power is supplied from a power supply unit (4), and which forms an image onto a recording medium on the basis of acquired image information (column 3, lines 8-29);
- b) a fixing unit (1) at which electric power is supplied from the power supply unit to a heater thereof (Fig. 1), and the formed image fixed by heating the recording medium on which the image has been formed (column 3, lines 8-29);
- c) a detecting unit (9a & 9b) which detects an electric power consumption of the forming unit and an electric power consumption of the fixing unit (Fig. 1);

- d) and a control unit (3) which controls the power supply unit so as to increase the electric power consumption of the fixing unit when the electric power consumption of the forming unit detected by the detecting unit is less than or equal to a predetermined amount (Fig. 1).

With respect to Claim 13:

- a) a fixing unit (1) which carries current to a heater and heats a recording medium on which an image has been formed to thereby fix the formed image (column 3, lines 8-29);
- b) a detecting unit (9a & 9b) which respectively detects an electric power consumption with respect to a processing unit to which a power supply unit supplying electric power to the fixing unit further supplies electric power, and an electric power consumption of the fixing unit (Fig. 1);
- c) a control unit (3) which controls so as to increase the electric power consumption of the fixing unit when the electric power consumption of the processing unit detected by the detecting unit is less than or equal to predetermined amount (Fig. 1).

With respect to claims 2-6 and 14-15:

- a) wherein the control unit determines surplus electric energy by subtracting the electric power consumption of the forming unit/processing unit and the electric power consumption of the fixing unit from available electric energy of

the image forming apparatus, and controls so as to increase the electric power consumption of the fixing unit within a range of the surplus electric energy (column 11, lines 10-20);

- b) wherein the control unit, at the time of increasing the electric power consumption of the fixing unit on the basis of the electric power consumption of the forming unit/processing unit detected by the detecting unit, increases the electric power consumption of the fixing unit with respect to a predetermined time determined in advance (column 11, lines 10-20);
- c) an option unit which carries out processing different from the image forming processing (column 2, lines 33-43); and an option control unit which, after receiving a request for processing of the option unit, controls so as to carry out the processing of the option unit when it is determined that power supply to the forming unit and the fixing unit can be sufficiently carried out even if the processing of the option unit is carried out, and so as to carry out the processing of the option unit after the processing of the forming unit is completed when it is determined that the power supply to the forming unit and the fixing unit cannot be sufficiently carried out if the processing of the option unit is carried out (column 2, lines 33-43);
- d) an option unit which carries out processing different from the image forming processing (column 2, lines 33-43); and an option control unit which, after receiving a request for processing of the option unit, controls so as carry out the processing of the option unit when it is determined that a fixing

temperature of the fixing unit can be maintained even if the processing of the option unit is carried out, and so as to carry out the processing of the option unit after the processing of the forming unit is completed when it is determined that the fixing temperature of the fixing unit cannot be maintained if the processing of the option unit is carried out (column 2, lines 33-43);

- e) wherein the option unit includes at least one of a copying function, a FAX function, a telephone function, and a scanning function (column 2, lines 33-43).

With respect to method claims 7-12: The method steps claimed will be met during the normal operation of the apparatus stated above.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose an image forming device:

Namura (US 2004/0175200 A1)

Ko (US 5,661,550)

Egawa et al. (US 4,890,125)

Art Unit: 2859

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
May 27, 2005

CHRISTOPHER W. FULTON
PRIMARY EXAMINER